

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

May 21, 2007

CALL TO PODIUM:

Rob Robinson, Planner

RESPONSIBLE STAFF:

Rob Robinson, Planner

Lauren Pruss, Planning Director

**Greg Ossont, Director Planning &
Code Administration**

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Joint Public Hearing
	Historic District
	Consent Item
	Ordinance
	Resolution
x	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	NA
Advertised	10/18/2006
	10/25/2006
Hearing Date	11/06/2006
Record Held Open	05/17/07.
Policy Discussion	05/21/07

TITLE: SDP-06-005 POLICY DISCUSSION:

This application requests approval for Schematic Development Plan SDP-06-005, per annexation X-182, known as the Crown Property (Parcels 445, 600, 905, 883, & 820) in Gaithersburg, Maryland. The property is zoned MXD (Mixed-Use Development).

SUPPORTING BACKGROUND:

The proposed SDP-06-005 includes a mix of uses, including 2250 residential units and 320,000 square feet of future commercial uses on approximately 180 acres of land. The Crown property will be divided into six (6) neighborhoods based upon the pods approved at Sketch Plan.

This SDP application focuses primarily on neighborhoods 2 and 3 and the associated base infrastructure needed for the entire site. The remaining neighborhoods will be submitted as separate SDPs at future dates.

The Joint Public Hearing for SDP-06-005 was held on November 6, 2006. A complete overview of the application was presented that evening. In light of comments received, two additional Joint Work Sessions were held on December 11, 2006 and January 22, 2007, addressing various aspects of the plan.

The Planning Commission closed their record on March 14, 2007 and recommended approval for SDP-06-005 during the March 21, 2007 meeting. The recommended approval includes twenty-three (23) conditions.

The Mayor and City Council record closed at 5pm on May 17, 2007. This application is ready for Final Action consideration and a draft resolution has been attached for your review.

Attachments:

Planning Commission Recommendation

Staff Analysis

Draft Resolution

*Index of Memoranda and Exhibits (In **Bold**)*

DESIRED OUTCOME:

Conduct Policy Discussion

Ready for Final Action

RESOLUTION No. _____

RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF GAITHERSBURG GRANTING APPROVAL OF
SCHEMATIC DEVELOPMENT PLAN SDP-06-005,
KNOWN AS THE CROWN FARM, FOR
APPROXIMATELY 177.9 ACRES OF PROPERTY
ZONED MIXED USE DEVELOPMENT (MXD)

SDP-06-005

OPINION

Schematic development plan (SDP) application SDP-06-005, zoned Mixed Use Development (MXD), has come before the Mayor and City Council for approval. The City Council's authority in this matter is pursuant to §24-160D.9(b)(3) of the City of Gaithersburg Zoning Ordinance (Chapter 24 of the City Code), which authorizes the Council and Commission to conduct public hearings on a schematic development plan application following appropriate notification procedures and to take action on the application within ninety (90) days of the close of the hearing record, following receipt of a recommendation by the City Planning Commission.

The subject case involves approximately 177.9 acres of land and concerns the development of the subject property ("Property") known as Parcels P445, P600, P905, P883, and P820. The Property is located along the southwest side of Fields Road being bordered by Sam Eig Highway, to the west, and Omega Drive on the east. The Property is currently bounded on the southwest by a stream valley, separating the Property from the Decoverly neighborhood and the NASDAQ office campus. The schematic development plan application was submitted to the City Planning and Code Administration on September 22, 2006. This application was designated as SDP-06-005.

OPERATIVE FACTS

A. Background

The Crown Farm Property, was the subject of a three-day public charrette held during September 22-25, 2005. This event was attended by the public, City staff and officials, as well as Maryland-National Capital Park and Planning, Montgomery County Public Schools, and Montgomery County staff and officials. The charrette provided the basis for the plan submitted under annexation application X-182. The Property was annexed into the City of Gaithersburg August 7, 2006 by resolution R-82-06. In addition to the annexation approval, the Mayor & City Council also established MXD (Mixed Use Development) zoning for the Property and approved the associated sketch plan by ordinance O-8-06. The approved sketch plan was based upon and further defined by the X-182 Annexation Agreement, also approved August 7, 2006.

B. Current Application:

On September 22, 2006, Gary Unterberg of Rodgers Consulting, Inc., representing the applicant, Crown Village Farm LLC submitted an application for schematic development plan, SDP-06-005. This application includes 320,000 square feet of commercial and 2250 residential units. The application focuses primarily on neighborhoods 2 and 3 and the base infrastructure needed to serve the five neighborhoods.

The Mayor & City Council and Planning Commission held a consolidated joint public hearing for SDP-06-005 on November 6, 2006. During the course of the hearing, specific aspects of the application, namely traffic impacts, community design, and neighboring communities concerns, were commented upon. To further address these issues, a joint work session was held December 11, 2006. Following that work session, staff continued to work with the applicant on refining the plan and a second joint work session was held on January 22, 2007. During this meeting, The Mayor & City Council and Planning Commission were briefed on the overall progress of the plan with an emphasis on parking, traffic, and LEED issues.

The Planning Commission record on SDP-05-002 closed as of five (5) PM, March 14, 2007. The Planning Commission reviewed the SDP-06-005 application at its regular meeting on March 21, 2007. Based upon their review of the evidence, the Planning Commission found that the SDP-06-005 application to be in conformance with the MXD Zone standards. Consequently, the Planning Commission recommended approval of the SDP-06-005 application with the following conditions required of the applicant:

1. Fields Road shall be designed and constructed based on the concept shown on the SDP-06-005 application with the Corridor Cities Transitway aligned within the center median. Should the applicable government permitting agency deny this proposed design for Fields Road prior to SDP approval, the SDP-06-005 application shall be re-reviewed and the current Planning Commission recommendations dated March 21, 2007, rescinded;
2. Applicant is to provide an Art in Public Places (AIPP) plan and commit funding of \$50,000, to be approved by City staff and the AIPP Committee prior to final site plan approval;
3. Applicant is to provide a proposed covenant, per Zoning Ordinance § 24-160D.9(c)(5), subject to review and approval by the City Attorney and City staff, indicating how the development area will be included in any homeowner's association or other organization, and how any open space, community space, storm water

management (SWM) facilities or amenities located within the area, will be perpetually maintained and funded prior to final site plan approval;

4. Applicant shall continue to refine the roadway and alleyway designs and include appropriate traffic calming measures to be reviewed and approved by DPWPM&E during the final site plan stage;
5. The Mayor and City Council shall approve the Design Guidelines as part of the SDP-06-005 approval, with the following clarification: balconies and overhangs are to have finished undersides;
6. Applicant shall dedicate the "Transit Project Dedication Area" referenced in Exhibit "E" of the Agreement at the earlier of the issuance of the 500th residential building permit or approval of the final record plat for the permitted development;
7. Applicant shall place all environmentally sensitive areas and forest conservation areas under a permanent conservation easement to be recorded on record plats;
8. Applicant shall donate to the City of Gaithersburg a parcel of land, from the Crown Village Property, not to exceed 32.1 acres upon recordation of the initial subdivision plat for the permitted development in Neighborhood 2 or Neighborhood 3;
9. Applicant shall dedicate the Neighborhood 4 City Park site, including any improvements, upon issuance of the 300th residential building permit for any approved development;
10. Applicant shall be entitled to receive an allocation of 225 building permits per year for the residential development in Neighborhoods 1, 2, and 3, during each of the first six (6) years after the date of the X-182 approved Annexation Agreement or until building permits for all of the residential units in Neighborhoods 1, 2, and 3 are issued. Any annual allocation of building permits not actually issued in any given year may be carried over into the subsequent year or years and said allocations shall be cumulative;
11. Construction of 80,000 square feet of commercial/retail development in Neighborhood 1 must be commenced by

the issuance of the 470th building permit in Neighborhoods 2 and 3 and prior to the issuance of any single-family dwelling building permits in Neighborhood 1;

12. The construction of the LEED Certified Community Recreation Building in Neighborhood 3 shall be completed prior to the issuance of a total of 400 building permits for the Residential Development in Neighborhoods 2 and 3;
13. Prior to approval of building permits for those units delineated to be in the area greater than the 65 dba contour on the SDP-06-005 noise mitigation plan, there shall be certification by a professional engineer with competency in acoustical analysis that the building shell will attenuate current exterior noise levels to an interior level not to exceed 45 dba Ldn;
14. A written commitment signed by the builder shall be submitted assuring that the construction of the units be in accord with the engineer's specifications for those units delineated to be in the area greater than the 65 dba contour on the SDP-06-005 noise mitigation plan;
15. Applicant is to submit truck turning, traffic calming, traffic signage, and lane marking plans to create orderly and safe vehicle movement throughout the site for approval by DPWPM&E and the City of Gaithersburg Fire Marshal prior to final site plan approval;
16. Applicant shall obtain from Montgomery County, review and approval of the roadway connection permits between the Montgomery County and the City portions of Discoverly and Diamondback Drives prior to the issuance of public improvement permits;
17. Applicant is to obtain letters from PEPCO, Washington Gas, Verizon, and Comcast approving conceptual utility plans prior to subsequent SDP amendment approvals and submit final designs of any utility plans prior to the issuance of public improvement permits ;
18. Applicant must obtain SWM concept plan approval prior to the issuance of rough grading permits;
19. Applicant must obtain approval of all environmental waivers, as recommended by City staff, from the Mayor

and City Council prior to the approval of the final forest conservation plan;

20. Applicant must obtain approval of the final forest conservation plan, that include a woodland restoration plan, reforestation plan, and invasive species management plan, prior to the issuance of rough grading permits;
21. Applicant shall obtain approval of a wildlife management plan prior to the issuance of rough grading permits;
22. Applicant shall obtain all necessary approvals and permits for offsite impacts related to the environmental waivers from offsite property owners prior to final site plan approval and from County permitting agencies prior to the issuance of public improvement permits; and
23. Applicant shall be required to obtain an amendment to SDP-06-005 for Pods 1, 4, 5 and 6, including submission of the Design Guidelines and final architecture elevations for Pods 1 and 5, prior to seeking final site plan approval for Pods 1, 4, 5 and 6.

C. Evaluation and Findings

The City Council, upon careful review of the evidence of record, agrees with the findings, conclusions and the recommendation of approval for schematic development plan SDP-06-005 by the City Planning Commission and City staff. The City Council finds those recommendations to be well reasoned and adopts and incorporates their findings as part of this action. The City Council further agrees with the Planning Commission in that the procedures governing the application for the MXD Zone and approvals necessary to seek building permits are subject to a multi-step process and that this is only one of several steps of the process, that subsequently includes Final Site Plan reviews and approvals.

In reviewing the subject application for the approval of schematic development plan SDP-06-005, the City Council finds the application and development proposal meets or accomplishes the purposes, objectives, and minimum standards and requirements of the MXD Zone that are set forth in Chapter 24 (Zoning) Article III, Division 19 of the City Code.

The City Council finds that the application meets the submission requirements and the standards and requirements for approval of the subject schematic development plan, as set forth in §24-160D.9(b) in that:

- 1) The applicant filed, together with the prescribed application fee, an application for approval of a schematic development plan which is consistent with the approved sketch plan in terms of nature, density, location of use, access, circulation, and

preservation features;

- 2) The schematic development plan is scaled at one inch equals fifty (50) feet and contains: a) boundary survey; b) the uses of all buildings and structures within the schematic development plan area, as well as existing uses of adjacent property external to the MXD zoned area and proposed uses within adjoining MXD zoned areas; c) the location, height, approximate dimensions and conceptual elevations of all buildings and structures, and the setbacks and densities and/or square footage thereof; d) the location of points of access to the site and all public and private roads, pedestrian and bike paths; e) the location and setbacks of parking areas; f) existing topography, including, contour intervals of not more than two (2) feet; an approved forest stand delineation and forest conservation plan; one-hundred-year floodplains; other natural features; utility easements; g) all landscaped areas, proposed conceptual screen planting, open spaces, plazas, malls, courts, community identification signage, recreation and amenity areas; h) proposed phasing or staging plan of development and information relating to such plan's consistency with the provision of public facilities; i) demonstration of general compliance with any Master Plan recommendations for the property, including any special conditions or requirements related to the property set forth in the Master Plan; and j) a proposed covenant or other form of agreement indicating how the area will be included in any homeowners association or other organization, and how any open space, community space or amenities located within the area subject to review will be perpetually maintained;
- 3) The schematic development plan is in substantial compliance with the approved sketch plan (X-182);
- 4) The schematic development plan contains a minimum of two hundred (200) dwelling units and one hundred thousand (100,000) square feet of proposed retail/office development, or a comparable equivalent mix;
- 5) The City Council and City Planning Commission have conducted a joint public hearing(s) on the application subject to the notification procedures in section 24-196 of this Code.
- 6) The Planning Commission delivered its recommendation to the City Council on March 21, 2007, within thirty (30) days of the close of the commission's hearing record of March 14, 2007.
- 7) The Council is taking action on the application within ninety (90) days after the close of the Council's hearing record on May 17, 2007;
- 8) The approval of this schematic development plan with its degree of detail shall substitute for preliminary site plan approval; and
- 9) The schematic development plan demonstrates compliance with Master Plan recommendations for the property, including any special conditions or requirements related to the property set forth in the master plan for among other reasons, the

nature, and density, and mix of uses posed, future accessibility to public transportation improvements, retention of forested areas, and interrelationship and compatibility of uses.

Furthermore, the City Council finds from the evidence of record that the application for schematic development plan approval, SDP-06-005, as currently amended, fulfills the findings required under §24-160D.10(b):

1) The plan is substantially in accord with the approved sketch plan:

The current SDP application has established (5) neighborhoods whose uses conform to the PODs defined in the approved X-182 Sketch Plan. The proposed residential, 322 total units, in Neighborhood 2 is within the approved 310-325 unit range and the various housing types are within the permitted sketch plan ranges of:

210 total proposed Townhouses	(155-228 Allowed)
38 total proposed 2 over 2 Units	(31-65 Allowed)
67 total proposed Single-Family Detached	(59-98 Allowed)

The current Neighborhood 3 proposal also complies with the Sketch Plan:

288 total units	(280-290 permitted unit range)
145 total proposed Townhouses	(126-162 Allowed)
30 total proposed 2 over 2 Units	(28-44 Allowed)
113 total proposed Single-Family Detached	(95-131 Allowed);

2) The plan meets or accomplishes the purposes, objectives and minimum standards and requirements of the zone:

- a) The Crown SDP application provides Design Guidelines that ensure design flexibility and coordination of architectural style of buildings.
- b) The Crown Farm development will provide a mix of land uses including residential, commercial, recreational, open space, and amenities that work to complement one another within a neighborhood framework.
- c) The proposed mix of land uses, residential, commercial, and educational are compatible with the surrounding existing uses. The Crown Farm will provide shoppers and employees to the nearby Rio/Washingtonian Center; the proposed 320,000 square feet of commercial will serve the neighboring residential developments; and the future High School will service the greater community.
- d) The Plan, as submitted, encourages the efficient use of land by: locating employment and retail uses convenient to residential areas; reducing reliance upon automobile use with the future CCT Station location, encourages pedestrian and other non-vehicular circulation systems through the use of 10', 8', and 6' wide paths that, in addition to the sidewalk network, connect the various neighborhoods and the Crown Farm to its neighboring areas; and retaining and providing useable open space and active recreation areas by way of the neighborhood 1 and 3 clubhouses

and pools, the dedication of the five (5) acre City Park, and the creation of planned open spaces such as the Central Green;

3) The plan is in accord with the area master plan and any accompanying special condition or requirements contained in said master plan for the area under consideration:

While the Crown Property is identified in the *2003 City of Gaithersburg Land Use Master Plan* as Special Study Area 4, that study has not yet been completed and no specific land use or zoning recommendations for the property have been incorporated into the adopted plan; however, a land use study was performed as part of Annexation X-182, establishing uses similar to the objectives of a Special Study Area. The proposed plan also complies with the themes expressed in the *2003 Process and Overview Master Plan*, as evidenced by Joint Exhibit #6 submitted by the applicant;

4) The plan will be internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned area and adjacent areas:

The proposed mix of land uses; residential, commercial, and educational are compatible with the surrounding existing uses. The Crown Farm will provide shoppers and employees to the nearby Washingtonian Waterfront offices and retailers; the proposed 320,000 square feet of commercial space will serve the neighboring residential developments as well as the Crown residents; the future High School will service the greater Montgomery County community; and the future CCT transit stop is to serve the Crown/Washingtonian region;

5) That existing or planned public facilities are adequate to service the proposed development contained in the plan:

- a) Montgomery County Public Schools has determined there is sufficient overall school capacity to absorb future Crown students.
- b) WSSC has received the Montgomery County approved category change to provide both water and sewer to the Crown development.
- c) The proposed Off-Site road improvements will mitigate impacts from the development, subject to Montgomery County Department of Public Works & Transportation and SHA approval.
- d) The site is currently served by two (2) existing fire stations and, by final build-out, will be served by yet a third station to come online within two (2) years.
- e) The clubhouses and pools found in Neighborhoods 1 and 3 are sized to Montgomery County standards that will adequately serve the Neighborhoods 1, 2, and 3 populations;

6) That the development staging or phasing program is adequate in relation to the provision of public facilities and private amenities to service the proposed development:

The X-182 annexation agreement has established a cap on available yearly building permits to minimize impacts. In addition, items such as clubhouse construction and off/on-site road improvements are tied to issued building permits to ensure the Crown development residents are properly served; and

7) That the plan, if approved, would be in the public interest:

The Crown Farm plan, SDP-06-005, will create a well planned and executed mixed-use development that establishes a sustainable and livable community that will remain a long term asset to the City. Crown will be designed, through the application of good design principles and historic preservation, to have a strong sense of place and a distinct identity while providing a larger tax base for the City to generate additional revenue that can help support a wider array of public programs, services, and improvements.

In summary, the City Council finds SDP-06-005, as amended, containing five neighborhoods; 2250 total residential units, with 610 being sited in Neighborhoods 2 and 3; 320,000 square feet of commercial uses; and dedication/donation of land for public uses, including a future public high school, a City neighborhood park, and Right-of-Way and parking for the future Corridor Cities Transitway to be in accordance with §§ 24-160D.9.(b) and 160D.10.(b) and as hereafter conditioned, is in the public interest and should be approved due to the presence of substantial evidence in the record to indicate that the subject Schematic Development Plan has accomplished the purposes of the MXD Zone, as well as generally accepted City planning and land use policies, subject to the applicant complying with the conditions stated in this Resolution.

SCHEMATIC DEVELOPMENT PLAN SDP-06-005

RESOLUTION

NOW, THEREFORE BE IT ORDAINED by the City Council of Gaithersburg, that SDP-06-005, being an application filed by Rodgers Consulting, Inc. on behalf of Crown Village Farm LLC, requesting approval of Schematic Development Plan is hereby approved subject to the following conditions required of the applicant:

1. In the event that Montgomery County Department of Public Works and Transportation does not consent to the reconstruction of Fields Road with a 50 foot median or transfer the road to the City of Gaithersburg, the applicant must work with staff to redesign Fields Road to include a 50 foot buffer between housing units in Neighborhood 3 and the Corridor Cities Transitway alignment. Such redesign may require adjusting the location of housing units in Block R. Additionally, staff may require the applicant to provide additional landscaping or an earthen berm in this location.
2. The applicant will work with staff to redesign Fields Road

and intersecting side streets within the property to address and resolve review comments from the Montgomery County Department of Public Works and Transportation. This may involve the granting of additional right of way to accommodate shifts in alignment, and additional turn lanes, acceleration lanes and deceleration lanes.

3. Applicant shall donate to the City of Gaithersburg a parcel of land, from the Crown Village Property, not to exceed 32.1 acres upon recordation of the initial subdivision plat for the permitted development in Neighborhood 2 or Neighborhood 3;
4. Applicant shall dedicate the Neighborhood 4 City Park site, including any improvements, upon issuance of the 300th residential building permit for any approved development;
5. Applicant shall obtain approval of all road code waivers, as recommended by City staff, from the Mayor and City Council;
6. Applicant shall continue to refine the roadway and alleyway designs and include appropriate traffic calming measures to be reviewed and approved by DPWPM&E during the final site plan stage;
7. Applicant shall obtain approval of all environmental waivers and obtain letters of intent for all necessary easements, as required by City staff, from the Mayor and City Council prior to the approval of the final forest conservation plan;
8. Applicant must obtain approval of the final forest conservation plan, that include a woodland restoration plan, reforestation plan, and invasive species management plan, prior to the issuance of rough grading permits;
9. Applicant shall obtain approval of a wildlife management plan prior to the issuance of rough grading permits;
10. Applicant must obtain SWM concept plan approval prior to the issuance of rough grading permits;
11. The construction of the LEED Certified Community Recreation Building in Neighborhood 3 shall be completed prior to the issuance of a total of 400 building permits for the Residential Development in Neighborhoods 2 and 3;

12. Applicant is to provide an Art in Public Places (AIPP) plan and commit funding of \$50,000, to be approved by City staff and the AIPP Committee prior to final site plan approval;
13. All Workforce housing units shall be constructed and operated in accordance with the MPDU/Workforce housing regulations adopted on January 16, 2007; however, the control period shall be 20 years and the purchaser may required to tender a 10 percent deposit at time of contract execution.
14. Applicant is to provide a proposed covenant, per Zoning Ordinance § 24-160D.9(c)(5), subject to review and approval by the City Attorney and City staff, indicating how the development area will be included in any homeowner's association or other organization, and how any open space, community space, storm water management (SWM) facilities or amenities located within the area, will be perpetually maintained and funded prior to final site plan approval;
15. Applicant shall dedicate the "Transit Project Dedication Area" referenced in Exhibit "E" of the Agreement at the earlier of the issuance of the 500th residential building permit or approval of the final record plat for the permitted development;
16. Applicant shall place all environmentally sensitive areas and forest conservation areas under a permanent conservation easement to be recorded on record plats;
17. Applicant shall be entitled to receive an allocation of 225 building permits per year for the residential development in Neighborhoods 1, 2, and 3, during each of the first six (6) years after the date of the X-182 approved Annexation Agreement or until building permits for all of the residential units in Neighborhoods 1, 2, and 3 are issued. Any annual allocation of building permits not actually issued in any given year may be carried over into the subsequent year or years and said allocations shall be cumulative;
18. Construction of 80,000 square feet of commercial/retail development in Neighborhood 1 must be commenced by the issuance of the 470th building permit in

Neighborhoods 2 and 3 and prior to the issuance of any single-family dwelling building permits in Neighborhood 1;

19. Prior to approval of building permits for those units delineated to be in the area greater than the 65 dba contour on the SDP-06-005 noise mitigation plan, there shall be certification by a professional engineer with competency in acoustical analysis that the building shell will attenuate current exterior noise levels to an interior level not to exceed 45 dba Ldn;
20. A written commitment signed by the builder shall be submitted assuring that the construction of the units be in accord with the engineer's specifications for those units delineated to be in the area greater than the 65 dba contour on the SDP-06-005 noise mitigation plan;
21. Applicant is to submit truck turning, traffic calming, traffic signage, and lane marking plans to create orderly and safe vehicle movement throughout the site for approval by DPWPM&E and the City of Gaithersburg Fire Marshal prior to final site plan approval;
22. Applicant shall obtain from Montgomery County, review and approval of the roadway connection permits between the Montgomery County and the City portions of Decoverly and Diamondback Drives prior to the issuance of public improvement permits;
23. Applicant is to obtain letters from PEPCO, Washington Gas, Verizon, and Comcast approving conceptual utility plans prior to subsequent SDP amendment approvals and submit final designs of any utility plans prior to the issuance of public improvement permits ;
24. Applicant shall be required to obtain an amendment to SDP-06-005 for Pods 1, 4, 5 and 6, including submission of the Design Guidelines and final architecture elevations for Pods 1 and 5, prior to seeking final site plan approval for Pods 1, 4, 5 and 6.

ADOPTED by the City Council this 21st day of June, 2007.

SIDNEY A. KATZ, MAYOR and

President of the Council

THIS IS TO CERTIFY that the foregoing
Resolution was adopted by the City Council
in public meeting assembled on the 21st
day of June, 2007.

David B. Humpton, City Manager

DRAFT